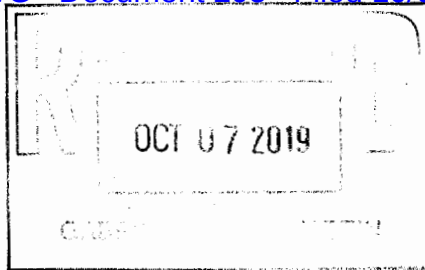


**Hughes
Hubbard
& Reed**



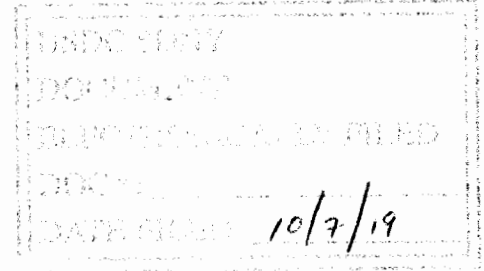
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October 4, 2019

BY HAND

Hon. Gabriel W. Gorenstein
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007



Re: *Knox v. John Varvatos Enterprises, Inc.*,
Civil Action No. 1:17-cv-00772 (GWG) (S.D.N.Y.)

Dear Judge Gorenstein:

Hughes Hubbard & Reed LLP represents Defendant John Varvatos Enterprises, Inc. ("Varvatos") in the above-referenced action. We are writing to the Court to request a pre-motion conference for a motion for an order seeking to have Ms. Cheryl Somekh-Crouchen give sworn testimony on the items in the phone calls referenced below, either at a hearing before Your Honor or in a further deposition.

On October 3, 2019, Harry Packman, the Managing Attorney of Hughes Hubbard, received a telephone call from an individual, who identified herself as Cheryl Somekh-Crouchen. (Mr. Packman is not involved in the representation of Varvatos in the above-referenced matter.) Ms. Somekh-Crouchen told Mr. Packman that she used to work at Varvatos, that she had been deposed in a case against Varvatos, and that Hughes Hubbard had prepared her for that deposition.¹ Ms. Somekh-Crouchen told Mr. Packman that she had received a telephone call from an attorney, who told her that she was a member of a class action against Varvatos and that she was going to be called as a witness in that case. She told Mr. Packman that she did not believe she was or should be a member of the class. Ms. Somekh-Crouchen said that the attorney told her that they would like to prepare her for her testimony at trial and that she stands to gain \$250,000. Ms. Somekh-Crouchen told Mr. Packman that this was "so dirty of them to try this," and that they were "out of their minds" if they think she is going to lie or change what she said last time. She also said that she would like to speak to the attorney who had prepared her for her deposition or someone else working on the case. Mr. Packman, who did not know who

1. Opposing counsel took Ms. Somekh-Crouchen's deposition before class certification, and Hughes Hubbard represented her at the deposition as a Varvatos employee.

Ms. Somekh-Crouchen was and what if any relationship she had to the above-referenced action, told Ms. Somekh-Crouchen that he would look into it and that someone from Hughes Hubbard would call her back.

Following the call, Mr. Packman informed me about his conversation with Ms. Somekh-Crouchen since he determined that I am currently representing Varvatos in this ongoing action. I informed Mr. Packman that Ms. Somekh-Crouchen is a class member in this action and that Hughes Hubbard cannot call her back.² Hughes Hubbard has not contacted Ms. Somekh-Crouchen following her conversation with Mr. Packman.

In addition to a pre-motion conference, we request that class counsel provide a copy of this letter to Ms. Somekh-Crouchen, so that she may understand why Hughes Hubbard is not calling her back.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ned H. Bassen", written in a cursive style.

Ned H. Bassen

cc: William Dunnegan & Richard Weiss, Class Counsel (By Hand)

2. Also, both Varvatos and Plaintiffs have identified Ms. Somekh-Crouchen as a trial witness in the parties' (proposed) Joint Pretrial Order. (Doc. No. 254.)